

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2002-005959

04/28/2003

HONORABLE MARGARET R. MAHONEY

CLERK OF THE COURT
B. Kredit
Deputy

IN RE THE MARRIAGE OF
TAMI M WHITAKER

FILED: 05/07/2003

KRISTEN A MARTIN

AND

MICHAEL T WHITAKER

MICHAEL T WHITAKER
5115 N 40TH ST #C-116
PHOENIX AZ 85018

MINUTE ENTRY

4:12 p.m. This is the time set for return hearing on Petitioner's request for temporary orders. Petitioner is present with above-named counsel. Respondent is not present.

A record of the proceedings is made by CD in lieu of a court reporter.

Let the record reflect that it is now 4:13 p.m. and Respondent is not present, nor has he contacted this Court regarding his non-appearance. The Affidavit of Process Service in the Court file indicates that service of the Order to Show Cause was effected on Respondent on April 1, 2003.

Tami Whitaker is sworn and testifies.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2002-005959

04/28/2003

Let the record further reflect that Petitioner advises the Court that the marital residence has been sold and the issue of exclusive use of the residence is now moot.

Given that Respondent was served on April 1, 2003 as reflected in the Affidavit of Service filed with the Court on April 4, 2003, and given his failure to appear today and show cause why the Court should not enter the relief requested by Petitioner,

IT IS ORDERED, pursuant to Petitioner's Petition for Temporary Orders, awarding temporary spousal maintenance to Petitioner of \$300 per month to be paid by Respondent commencing May 1, 2003 and on the first of each month thereafter.

IT IS ORDERED that Respondent shall make his spousal maintenance payments directly to counsel for Petitioner. Petitioner's counsel is given leave to submit an Order of Assignment if and when that becomes appropriate based on Respondent's employment status.

IT IS FURTHER ORDERED awarding Petitioner temporary attorneys' fees in the amount of \$2,500.00 to be paid by Respondent to counsel for Petitioner by no later than May 15, 2003.

IT IS FURTHER ORDERED that Respondent shall file and copy to Petitioner's counsel an updated, complete, current Affidavit of Financial Information with the Court within ten days from today.

IT IS FURTHER ORDERED that Respondent shall respond fully to the discovery requests previously propounded by counsel for Petitioner, specifically the Uniform Interrogatories and Request for Production, within two weeks from today.

IT IS ORDERED setting a Trial on **August 8, 2003 at 1:30 p.m.** before the Honorable Margaret Mahoney at the following location:

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2002-005959

04/28/2003

MARICOPA COUNTY SUPERIOR COURT
201 WEST JEFFERSON
CENTRAL COURT BUILDING
5TH FLOOR, COURTROOM 502
PHOENIX, ARIZONA 85003

TIME ALLOTTED: 2 hours

NOTE: Prior to all hearings or court appearances, the parties or counsel representing them are directed to check in with a member of the Court's staff in **Suite 5-B** to advise of their presence by using the telephone on the 5th floor of the Central Court Building.

All discovery shall be completed by **5:00 p.m. 30 days prior to the trial.**

Pretrial Matters

All parties shall exchange updated Disclosure Statements pursuant to Rule 26.1 of the Arizona Rules of Civil Procedure ("A.R.Civ.P."), Spousal Affidavits, Child Support Worksheets and inventory of all disputed property by **5:00 p.m. 20 days prior to the trial date**. Counsel shall personally meet face to face for the exchange, and shall discuss the disputed issues, witnesses and all evidence. Each side shall file a Notice of Disclosure pursuant to Rule 26.1(b)(1), A.R.Civ.P.

All parties shall serve final witness and exhibit lists and a separate formal written designation and disclosure of all final expert witness opinions by **5:00 p.m. 10 days prior to the trial date**. Such information must be reasonably disclosed on an ongoing basis pursuant to Rule 26.1 prior to this date. Any objections to the exhibits must be served and filed no later than **5:00 p.m. 5 days prior to the trial date**. If no objections are filed, the right to object at trial will be deemed waived.

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2002-005959

04/28/2003

Joint Pretrial Statement

The parties shall file a Joint Pretrial Statement pursuant to Rule 16(d), Arizona Rules of Civil Procedure, and Rule 6.5, Maricopa County Local Rules, **by 5:00 p.m. 5 days prior to the trial date.**

The parties **shall** exchange with each other and present to the Court with the Joint Pretrial Statement all of the following:

1. An updated Affidavit of the current financial circumstances pursuant to Rule 6.4(b), Local Rules of Maricopa County;
2. A Child Support Worksheet completed pursuant to the Statewide Child Support Guidelines. If a jointly prepared Worksheet is not filed, each party shall file a completed Child Support Worksheet;
3. If there are disputed custody or visitation issues, a proposal for custody and visitation;
4. A proposal of how the property and assets should be divided, and the proposed disposition of each issue before the Court; and
5. If there are disputed division of property issues, a current and detailed inventory and monetary valuation of the property and assets of the parties.

Exhibits

IT IS FURTHER ORDERED that both sides **shall** hand-deliver to the Clerk of this Division all exhibits to be used at the hearing **at least three (3) business days prior to the**
Docket Code 089 Form D000A Page 4

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FN 2002-005959

04/28/2003

hearing. Exhibits shall be accompanied with a numbered list of each exhibit and shall be separated with a blank sheet of paper. All hearing exhibits shall have been exchanged prior to that time. In addition, each party shall provide to the Court by no later than 3 days prior to hearing a set of all exhibits for the Judge's use at the hearing. No duplicate exhibits shall be presented for marking. **If either party fails to comply with the steps for marking exhibits, that party's exhibits may be precluded from being marked at the hearing.**

IT IS FURTHER ORDERED that failure of counsel or of any party to file a proper Joint Pretrial Statement, present exhibits for marking 3 days before trial, appear at the trial and present the documents in proper form, including each and every attachment required may, in the absence of good cause shown, result in the imposition of any or all available sanctions pursuant to Local Rule 6.6 and Rule 16(f), Rules of Civil Procedure, including proceeding to hear this matter as by default, dismissal of the proceeding, continuance of the trial and monetary sanctions.

IT IS FURTHER ORDERED that if this matter is settled and will proceed in the manner of a default or by stipulated Decree, either party may contact this division for an expedited hearing date or the parties may present a stipulated decree and all related documents for immediate entry.

IT IS FURTHER ORDERED postponements and schedule changes will not ordinarily be granted. Such changes will be granted only in accordance with appropriate rules, based on a showing of factual good cause, and require the express written approval of the Court.

NOTE: All Court proceedings are recorded by audio method and not by a court reporter. Any party may request the presence of a court reporter by contacting the division three (3) court business days before the scheduled hearing.

4:43 p.m. Matter concludes.